

Appl. No.: 10/789,252
TC/A.U.: 3711 Docket No.: B04-06
Reply to Office Action of August 10, 2005

REMARKS

Claims 1 and 5-23 appear in this application for the Examiner's review and consideration.

Claim 18 has been amended to recite that the water vapor barrier layer comprises graphite foil sheets. Support for the amended elements is found at least in the Specification, on page 2, lines 29 – page 3, line 4; and page 9, lines 7-9.

Applicant thanks the Examiner for the allowance of claims 1, 5-17 and 23.

The Examiner has acknowledged that claim 19 is directed to allowable subject matter. Applicant has elected not to rewrite claim 19 into independent form at this time, as Applicant believes that amended independent claim 18 is now in condition for allowance.

No new matter has been added by these amendments.

Rejection Over U.S. Pat. No. 6,561,928

Claims 18 and 20-22 were rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Pat. No. 6,561,928 to Binette *et al.* ("Binette").

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation to modify the reference or combine the teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must be found in the prior art, not in Applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 493, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

Binette fails to teach or suggest each and every element of independent claim 18. Binette fails to disclose a water vapor barrier layer comprising graphite foil sheets, as now recited in amended independent claim 18.

The rejection under 35 U.S.C. § 103(a) is believed to have been overcome for at least the above reasons. Applicant respectfully requests reconsideration and withdrawal thereof.

Claims 20-22 depend from independent claim 18 and are patentable for at least the same reasons set forth above.

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Conclusion

Based on the remarks set forth above, Applicant believes that all of the rejections have been overcome and the claims of the subject application are in condition for allowance. Should the Examiner have any further concerns or believe that a discussion with the Applicant's attorney would further the prosecution of this application, the Examiner is encouraged to call the attorney at the number below.

No fee is believed to be due for this submission. However, should any required fees be due, please charge them to Acushnet Company Deposit Account No. 502309.

Respectfully submitted,

9/2/05
Date


Kristin D. Wheeler (Reg. No. 43,583)
Patent Counsel
Acushnet Company

(508) 979-3015
Customer Number: 40990